

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

170A11823

Pennsylvania Human Relations Comm.

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mr. Oniel A. Allen

(610) 649-9267

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

346 West Spring Avenue, Ardmore, PA 19003

09/19/1969

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Entenmanns

Cat D (501 +)

(610) 363-2290

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

690 E. Lincoln Highway, Exton, PA 19341

029

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

10/01/1999 01/04/2001

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was hired in September of 1997 as a Route Sales Representative. In 1998 and 1999, I was involved in several vehicular accidents which involved the truck assigned to me by Respondent. These accidents were caused by the side effects of my disability. Because these symptoms continued and the fact that I was at risk for additional accidents, I bid on the position of Rack Loader in October of 1999. The Rack Loader position is a position inside of the company and does not require operation of a vehicle and this would have been a reasonable accommodation. Mr. Nick De Virgillis, Division Sales Manager, advised me to think about this because this position would compensate me at a lower salary. I was approved for the position by Bruce ? (LNU), Route Supervisor. However, the position was subsequently given to Tom ? (LNU), a Thirt Store Clerk. Mr. De Virgillis instructed me to provide medical certification from my physician regarding my medical condition. In compliance with these instructions, my physician submitted a letter dated October 22, 2000. My last day of work was October 31, 2000 and thereafter, I went on vacation. Since I could not return to the Route Sales Representative position, Respondent placed me on short term disability leave on November 8, 1999, the date I was due to return to work.

On November 15, ¹⁹⁹⁹~~2000~~, Mr. De Virgillis contacted me by letter to inquire about how Respondent could assist me in providing reasonable accommodations. I responded by making several suggestions for a

** Text is Continued on Attached Sheet(s) **

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT
Philadelphia District OfficeSUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

Date

Charging Party (Signature)

9-18-01

Oniel A. Allen

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Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

reasonable accommodation such as providing me with a jumper (similar to a helper) or any other reasonable accommodation Respondent deemed appropriate. On January 4, 2001, my physician contacted Respondent and provided information on my medical condition. My physician also stated that I should not operate a vehicle. Since that time, I have not heard from the Respondent.

II. I believe I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended, because Respondent refused to provide reasonable accommodation. Moreover, during my short term disability and thereafter, several Racker Loader positions became available. Respondent never contacted me. I also allege that I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended, because Respondent accommodated Tom ?, Thrift Store Clerk (white), by assigning him to a Rack Loader position. Additionally, Respondent transported this person to and from work. This employee has a disability that also puts him at risk for vehicular accidents.